

## ORDINANCE NO. 2014-16

### AN ORDINANCE REVISING THE CLASS VI SIGN DISTRICT STANDARDS, MODIFYING SIGN CODE DEFINITIONS, PROHIBITING OFF-SITE ADVERTISING SIGNS, MODIFYING STANDARDS FOR ELECTRONIC CHANGEABLE COPY SIGNS AND VIDEO DISPLAY SIGNS AND ESTABLISHING A MASTER SIGN PLAN PROCESS, THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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## CHAPTER 19

### ZONING

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#### ARTICLE X. SIGN REGULATIONS

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#### Division B. Construction of Language and Definitions

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#### SEC. 19.104. DEFINITIONS.

The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

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**Arts-related sign** – a type of wall graphic that displays non-commercial images or text that are generally appreciated primarily for their imaginative, aesthetic or intellectual content.

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**Events** – public or private social occasions for entertainment purposes, which attract gatherings of people such as parades, concerts, festivals, races, circuses, fairs, athletic events or celebrity appearances.

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~~[Off-premises sign – a sign that is located on property that is not the premises, property or site of the use identified or advertised in the sign.]~~

**Off-site advertising sign** – a graphic or message advertising or identifying a product, service, brand, business or activity not regularly sold, located or conducted on the site where the sign is located.

~~[On-premises sign – a sign that is located on property that is the premises, property or site of the uses identified or advertised in the sign.]~~

**On-site advertising sign** – a graphic and/or message advertising or identifying a product, service, brand, business or activity sold, located or conducted on the site where the sign is located. A sponsorship agreement does not qualify a sign as an on-site sign.

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**Public art** – art in any media sited in the physical public domain outdoors and accessible to all members of the public primarily for its imaginative, aesthetic or intellectual value.

**Public artistic performance** – performances conducted primarily for its imaginative, aesthetic, cultural, or intellectual content on public rights-of-way, parks or plazas outside and accessible to all members of the public for their enjoyment.

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**Public service announcements** – messages displayed or disseminated without charge, with the objective of raising awareness, or changing public attitudes and behavior on a matter concerning the public health, safety or welfare.

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**Street furniture** – fittings and fixtures installed in the public right-of-way, parks or plazas designed to be available outside and accessible to all members of the public for their convenient use and enjoyment or which contribute to creative public place-making, including without limitation public benches, bicycle racks, water fountains, drinking fountains, litter and recycling receptacles, public information kiosks, pedestrian-scaled lighting, and planters.

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## **SEC. 19.106. SIGNS PROHIBITED IN ALL DISTRICTS.**

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### **(b) Prohibited Signs.**

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**(16) Off-Site Advertising Signs Prohibited.** Off-site advertising signs are prohibited.

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## **SEC. 19.108. GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS.**

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### **(h) Basic Design Elements for Specific Signs.**

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- (4) Electronic Changeable Copy Sign.** Electronic changeable copy signs must meet the following standards. When attached to walls, electronic changeable copy signs are classified as cabinet signs.
  - (A) Location.** The sign must be located on the site of the use identified or advertised by the sign;
  - (B) District Limitations.** The sign must not be located in a Bluff Overlay (BP-1, BP-2) district;
  - (C) Setback from residential.** Except for price signs designed to change infrequently, the leading edge of the sign in a non-residential zoning district must be a minimum distance of 100 feet from any parcel that is both residentially zoned and residentially used;
  - (D) Setback from other electronic changeable copy, electronic graphic display or video display signs.** Electronic changeable copy signs must be separated from other electronic changeable copy signs, electronic graphic display signs or video display signs by at least 35 feet;

- (E) Orientation. Except for price signs designed to change infrequently, when [When] located within 150 feet of a residentially-used lot in a residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
  - (F) Duration. Any portion of the message must have a minimum duration of eight seconds and must be a static display. No portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement;
  - (G) Luminance levels must comply with Section 21.301.07(c)(5);
  - (H) Limited Text. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction; and
  - (I) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.
- (5) **Video Display Sign.** Video display signs must meet the following standards. When attached to walls, video display signs are classified as cabinet signs.
- (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
  - (B) District Limitations. The sign must not be located in a Residential (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50), Conservation, or Bluff Overlay (BP-1, BP-2) district;
  - (C) Reserved;
  - (D) Setback from other electronic graphic display, electronic changeable copy or video display signs. Video display signs must be separated from other electronic graphic display, electronic changeable copy signs, or video display signs by at least 35 feet;
  - (E) Orientation. In all districts the video display sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot; visible from any traveled highway, street, [driveway or internal access way; from any] park[;] or [from a] conservation or bluff district; and that the placement, illumination and orientation of the sign face relative to internal driveways meets traffic safety standards;
  - (F) Brightness. The sign must not exceed a maximum luminance of 6500 nits (candelas per square meter) during daylight hours and a maximum luminance as specified in Section 21.301.07(c)(5) between dusk to dawn as measured from the sign's face at maximum brightness;
  - (G) Dimmer control. Video display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise; and
  - (H) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with a video display sign.

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#### **SEC. 19.115. CLASS VI SIGN DISTRICTS (CX-2, CO-2).**

- (a) **Regulations for Freestanding Identification Signs.** All freestanding identification signs shall be located on the site of the use.
  - (1) **CX-2, CO-2 Districts.**
    - (A) **Site Identification Sign.**
      - (i) **Where Permitted.**
        - (aa) **Ground Signs.** A ground sign shall be permitted.
        - (bb) **Monument Signs.** A monument sign shall be permitted.
        - (cc) **Pylon Signs.** Pylon signs shall not be permitted.
      - (ii) **Maximum Sign Height.**
        - (aa) **Ground Signs.** No part of the sign face or the sign support structure of a ground sign shall be more than eight (8) feet above final grade, subject to the provisions of Section 19.108(c), "Sign Characteristics - Grade Mounding".

- (bb) **Monument Signs.** No part of the sign face or the sign support structure of a monument sign shall be more than ~~fifteen (15)~~ **twenty (20)** feet above final grade, subject to the provisions of Section 19.108(c), "Sign Characteristics - Grade Mounding".
  - (iii) **Minimum Setbacks, Front.** The minimum setback for all freestanding identification signs shall be twenty (20) feet from any public street right-of-way line.
  - (iv) **Minimum Setbacks, Side and Rear.** There shall be no required side or rear setbacks.
  - (v) **Maximum Sign Area and Number of Signs.** The maximum sign area of a freestanding site identification sign shall not exceed six hundred fifty (650) square feet and there shall be a maximum of one (1) sign for the entire CX-2 District and one (1) sign for the entire CO-2 District.
  - (vi) **Illumination.** Illumination shall be permitted.  
Exception: There shall be a minimum distance of one hundred (100) feet between the leading edge of any illuminated sign and an adjoining residential district boundary. See Section 19.108(d) and Section 21.301.07(c)(5) for additional provisions on illumination and luminance.
- (B) **Entrance Signs.** Entrance signs shall not be permitted.
- (2) **Reserved.**
- (b) **Regulations for Building Identification Signs.** All building identification signs shall be located on the site of the use.
  - (1) **Permitted Signs.** The following types of signs shall be permitted in any combination in the Class VI Sign District, and shall contribute to the maximum area allowed in Section 19.115(b)(2).
    - (A) **Wall Signs.**
    - (B) **Projecting Signs.**
    - (C) **Awning Signs.**
    - (D) **Canopy Signs.**
    - (E) **Marquee Signs.**
    - (F) **Window Signs.**
    - (G) **Wall Graphics.**
  - (2) **Maximum Size and Number of Signs.**
    - (A) **Towers of ten (10) or more stories in height:** One sign is allowed per wall up to a maximum of three (3) signs per building. The maximum sign area of a wall sign shall not exceed six hundred (600) square feet per sign. All sign elements shall be located within twenty (20) feet of the top of the building.
    - (B) **Mixed use center identification sign:** The mixed use center shall be allowed one wall sign per street frontage. The maximum sign area of the wall sign shall not exceed 2,500 square feet and each allowed wall sign shall be centered over the entrance to the mixed use center identification sign per public street frontage.
    - (C) **Parking ramp signs:** Except for directional and incidental signs, no signs are allowed on a parking ramp unless approved through the master sign application process discussed in Section 21.501.06. ~~[One sign is permitted per parking ramp. The maximum sign area of the wall sign shall not exceed four hundred (400) square feet and shall be architecturally integrated into the wall of the parking ramp. Any sign on a parking ramp shall be approved as an element in the development plan and shall be reviewed by the Planning Commission and approved by the City Council.]~~
    - (D) **Tenants and use signs on buildings with a certificate of occupancy prior to November 17, 2014:** Exterior signs are allowed for mixed use center tenants and other uses in the CX-2 District as follows:
      - (i) **Tenants and uses larger than one hundred fifty thousand (150,000) square feet:** One (1) sign per building facade is allowed, up to a maximum of three (3) signs per building. The maximum sign area for the total of the wall signs shall not exceed eight hundred twenty-five (825) square feet; no individual wall sign shall be larger than four hundred (400) square feet.

- (ii) **Tenants and uses between ten thousand (10,000) and one hundred fifty thousand (150,000) square feet:** Building identification signs are allowed for tenants ~~[located in or partially within a platted anchor lot or]~~ having at least one (1) ground level exterior public entrance or a direct access to a skyway connecting the parking ramps with the ~~M[all]~~ Mall of America.
      - (aa) Total sign area, including permanent window signs, is limited to forty percent (40%) of the facade area as calculated in elevation view.
      - (bb) Tenant signs must be located proximate to their exterior tenant building entrance(s) and/or the space the tenant occupies in the building.
    - (iii) **Restaurant uses greater than five thousand (5,000) square feet:** Building identification signs are allowed for individual restaurant tenants having at least one (1) exterior public entrance or a direct access to a skyway connecting the parking ramps with the Mall of America.
      - (aa) Total sign area, including permanent window signs, is limited to forty percent (40%) of the facade area as calculated in elevation view.
      - (bb) Tenant signs must be located proximate to their exterior tenant building entrance(s) and/or the space the tenant occupies in the building.
- (E) **Tenants and use signs on buildings with a certificate of occupancy after November 17, 2014:** Exterior signs are allowed for mixed use center tenants and other uses in the Class VI Sign District as follows:
  - (i) **Tenants and uses larger than one hundred fifty thousand (150,000) square feet:** One (1) sign per building facade is allowed, up to a maximum of three (3) signs per building. The maximum sign area for the total of the wall signs shall not exceed eight hundred twenty-five (825) square feet; no individual wall sign shall be larger than four hundred (400) square feet.
  - (ii) **Tenants and uses less than one hundred fifty thousand (150,000) square feet:** Building identification signs are allowed for tenants having at least: one (1) ground level exterior public entrance; a direct access to a skyway connecting the parking ramps with the Mall of America; or a glazed exterior façade with seventy-five (75) lineal feet of glazing contiguous to premises with views of the exterior and a minimum of five thousand (5,000) square feet for a restaurant or ten thousand (10,000) square feet for retail.
    - (aa) Total sign area, including permanent window signs, is limited to ten percent (10%) of the façade area as calculated in elevation view.
    - (bb) Tenant signs must be located proximate to their exterior tenant building entrance(s) and/or the space the tenant occupies in the building.
- (c) **Prohibited Signs.** In addition to other signs prohibited in Section 19.106, the following types of signs shall be prohibited in the Class VI Sign District:
  - (1) **Roof Signs.**
  - (2) **Roof-Integral Signs.**
  - (3) **Suspended Signs.**
- (d) **Other Signs.** All other signs shall be located on the site of the use unless specified otherwise.
  - (1) **Directional Signs.** See Section 19.116.
  - (2) **Incidental Signs.** See Section 19.117.
  - (3) **Other Regulated Signs Exempt From Sign Permits.**
    - (A) **Building Marker.** See Section 19.105(c)(3).
    - (B) **Construction Sign, Project (Commercial, Industrial, and Residential for Projects of Six (6) or More Lots or Multiple-Family Projects).** See Section 19.105(c)(4).
    - (C) **Flags, noncommercial.** See Section 19.105(c)(5).
    - (D) **Interior Signs.** See Section 19.105(c)(9).
    - (E) **Murals.** See Section 19.105(c)(10).
    - (F) **Official Signs and Notices.** See Section 19.105(c)(11).
    - (G) **Political Signs.** See Section 19.105(c)(12).
    - (H) **Public Notices.** See Section 19.105(c)(13).
    - (I) **Public Utility Signs.** See Section 19.105(c)(14).
    - (J) **Real-Estate Signs.** See Section 19.105(c)(15).

- (K) **Tombstones.** See Section 19.105(c)(17).
- (L) **Traffic Control Signs.** See Section 19.105(c)(18).
- (4) **Temporary Signs for Commercial Promotions.** Temporary signs for commercial promotions shall be permitted according to the following standards:
  - (A) The CX-2 District shall be allowed temporary signs as a site according to the regulations in Section 19.119.
- (5) **Temporary Signs for Approved Interim Uses in the Class VI Sign District.** See Section 19.127.
- (e) **Illumination.** All sign illumination shall comply with Section 19.108(d) and Section 21.301.07(c)(5) Exterior Lighting.
- (f) **Uniform Sign Design.** All signs in the Class VI Sign Districts shall conform to an approved Uniform Sign Design. See Section 19.109 for Uniform Sign Design standards.
- (g) **Master Sign Plan.** Flexibility to the sign standards, for number, size, location and type, within the Class VI Sign District may be approved at the reasonable discretion of the City Council through the master sign plan process outlined in Section 21.501.06.

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Section 2. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

## CHAPTER 21

### ZONING AND LAND DEVELOPMENT

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### ARTICLE V. ADMINISTRATION AND NONCONFORMITY

#### Division A. Approvals and Permits

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#### **SEC. 21.501.06. MASTER SIGN PLAN.**

- (a) **Purpose.** The purpose of the master sign plan application process is to:
  - (1) Provide flexibility in sign standards to facilitate the creation of an iconic, dynamic, and vibrant environment;
  - (2) Provide a high level of review discretion to ensure flexibility requests for large format commercial sign installations represent an aesthetic enhancement over existing sign standards;
  - (3) Balance the addition of large format commercial sign installations with façade enhancements and other aesthetic improvements to create an attractive, high-quality district character;
  - (4) Ensure that the placement, type, operational characteristics and quality of signs positively reflect on the district's character;
  - (5) Ensure the integration of signs with building architecture;
  - (6) Mitigate any possible adverse impacts of large format sign installations on surrounding uses; and
- (b) **Where Applicable.** The master sign plan process is available only within the Class VI Sign District. Applicants seeking significant flexibility from the City sign regulations of the Class VI Sign District must use the master sign plan application process.
- (c) **Flexibility.** Upon making the findings in Section 21.501.06(e), the City Council may, at its reasonable discretion and with no obligation, grant flexibility to sign standards for number, size, location and type through the master sign plan application process.
- (d) **Review and Approval.** New master sign plans and major revisions to previously approved master sign plans must be reviewed by the Planning Commission and acted upon by the City Council. Staff may issue sign permits that have minor differences from the master sign plan provided the signs substantially conform to the spirit and intent of the approved master sign plan.
- (e) **Findings.** The following findings must be made prior to the approval of new master sign plans or revisions to previously approved master sign plans:
  - (1) The master sign plan is not in conflict with the Comprehensive Plan.

- (2) The master sign plan is not in conflict with any adopted District Plan for the area.
- (3) The master sign plan is not in conflict with the purpose, standards and design principles outlined within Section 21.501.06.
- (4) The master sign plan will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.
- (f) **Standards.** Master sign plans must meet the following standards:
  - (1) The master sign plan must encompass all signs and building facades on a given site. Within the master sign plan, selected facades may be designated to be governed under the applicable sign district standards rather than the master sign plan. In that event, modifications to the selected facades would be subject to the applicable sign district standards but would not require a revision to the master sign plan.
  - (2) Signs are limited to one or more of the following functions:
    - (A) Tenant identification.
    - (B) On-site advertising.
    - (C) Arts-related.
    - (D) Events.
    - (E) Public service announcement.
    - (F) Other signs under Section 19.115(d)
- (g) **Design Principles.** Master sign plans must not be in conflict with the following principles:
  - (1) Balance. The proposed installation of on-site advertising signs must be balanced with the installation of tenant identity signs, arts-related signs, façade enhancements and/or other aesthetic improvements in order to create an attractive, high-quality district character.
  - (2) Architectural Integration. All sign features, including illumination, support structure, color, lettering, height, and location must be complementary to the architecture and architectural features of the building on which it is located and must appear as a cohesive, planned installation.
  - (3) Character. The placement, type, operational characteristics and quality of the signs must positively reflect on the district's character and avoid standard billboard dimensions.
  - (4) Public Safety. Signs must not negatively impact the flow of traffic or cause confusion for motorists and/or pedestrians.
  - (5) Materials. Signs, sign frames and sign mounts must be constructed of high quality, durable materials.
  - (6) Visual Impacts. Signs must not negatively impact surrounding land uses.
- (h) **Expiration.** Master sign plans expire one year after approval if no sign permits implementing the master sign plan have been issued within that time period. The applicant may apply to the Community Development Director for no more than one time extension of up to one year.
- (i) **Sign permits required.** No exterior sign approved under a master sign plan may be installed prior to receiving a sign permit, unless exempted through Section 19.105. The Issuing Authority may issue sign permits for signs that substantially conform to the master sign plan.
- (j) **Content.** Master sign plan applications must include the following information:
  - (1) An application form signed by the property owner(s) or authorized representative.
  - (2) The required application fee (see City Code Section 21.502.02).
  - (3) Written narrative describing the proposed master sign plan and how it meets the purpose, standards and principles of Section 21.501.06.
  - (4) Scaled site plan of the site showing the location of freestanding signs, existing and proposed buildings, parking areas, public and private streets, and referencing the sheets on which wall signs are depicted for each facade.
  - (5) Scaled building façade elevation drawings depicting:
    - (A) building elevation heights of various parts of the building(s), including the lowest and highest points.
    - (B) locations of existing and proposed signage, including sign dimensions, height above ground and horizontal and vertical placement of the sign(s) on the building façade.
    - (C) proposed signs, including sign shape, materials, size typography, lighting, exposed structure, colors, changeable copy and the functions of each sign.
  - (6) Calculations of total sign area per building façade.

- (k) **Master Sign Plan Development Agreement.** Approval of a master sign plan or an amendment to a master sign plan requires a master sign plan development agreement. Said development agreement must govern the duration, operation and maintenance of the signage in accordance with the terms of the City Code. The master sign plan development agreement must be approved by the City Attorney and recorded prior to the issuance of permits for any of the signs authorized under the master sign plan.
- (l) **Violations.** Violations of the master sign plan or the conditions of approval attached to the master sign plan are subject to the following:
- (1) Orders to Correct. It is the duty of the City Manager or the Manager's designee to determine and declare the existence of a violation of the master sign plan and direct the issuance of an Order to Correct on the owner of the property or the owner's designated agent. This Order to Correct must include the following information:
    - (A) Property location by street address, and property identification number or legal property description.
    - (B) Information identifying the nature of the master sign plan violation.
    - (C) A summary of the property owner's responsibilities under the master sign plan.
    - (D) Specific orders for correction of the violation.
    - (E) A date for completion of the corrective action not less than ten business days following the receipt of the Order to Correct unless a shorter period of time is determined necessary by the City to protect the public health and safety.
    - (F) Notice that unless the violation is corrected in accordance with the terms of the Order to Correct, the City may, in its discretion issue of an administrative citation in the amount of \$1,000.00 per violation with recurring fines imposed for each day the violation continues without correction and that fines that are not timely paid will be subject to assessment against the property and collected in the manner of a tax.
    - (G) Notice of the right of appeal as provided in Sections 1.17 of this City Code.
  - (2) Failure to Correct. If compliance is not achieved by virtue of the Order to Correct, a City official authorized under City Code Section 1.06 will issue an administrative citation under the authority of City Code Section 1.11 (44). The citation must state the date, time, and nature of the offense, the name of the official issuing the citation, the amount of the scheduled civil fine, and the manner for paying the fine or appealing the citation by requesting an administrative conference.
  - (3) Payment of Civil Fine/Request for Administrative Conference. The property owner or the owner's designated agent must either pay the civil fine listed on the citation or request an administrative conference with the City Attorney's office within 25 calendar days after issuance of the administrative citation in the manner set forth in City Code Section 1.15. If a settlement cannot be reached at the administrative conference, the property owner may either pay the fine or request a hearing before an independent hearing officer to be conducted as set forth in Section 1.17 of this City Code. Failure to pay the fine or request an administrative conference within 25 days of the date of the citation will be deemed an admission of the charges set forth therein.
  - (4) Late Fee/Assessment. A late fee of 10 percent of the civil fine amount will be imposed if the property owner fails to pay the civil fine within 25 calendar days after issuance of the administrative citation or fails to timely request an administrative conference or hearing. If the civil fine is not paid within the time specified, the City may assess the property under Section 1.19 of this City Code. Nonetheless, nothing in this Section shall be construed as limiting the City's other available legal remedies for any violation of law, including the commencement of a civil injunctive action or other civil remedy against the property owner.
- (m) **Revocation.** The City may revoke the right to maintain any sign approved under a master sign plan upon finding that the sign is maintained in a manner that is detrimental to the public health, safety or welfare or so as to constitute a nuisance. A revocation of a sign must be preceded by written notice to the permittee and a hearing. The notice must be mailed to the permittee at the most recent address listed within the master sign plan. The hearing of a contested case may be before the City Council or held in accordance with Minnesota Statutes, Section 14.57 to 14.60, but informal disposition of a contested case by stipulation, pursuant to Minnesota Statutes, Section 14.59, may provide an adequate basis for imposition of sanctions. Where the sign constitutes, in



the sole determination of the City, an imminent threat to the public health or safety or an immediate threat of serious property damage, the City may order the immediate abatement thereof notwithstanding this provision. Where there has been summary abatement, any properly filed appeal thereafter will be limited to the issue of cost recovery by the City.

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## Division B. Application Processes and Fees

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### SEC. 21.502.01. APPLICATION PROCESSES AND FEES.

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#### (c) Application Processes and Fees.

Application Process	Review and Decision Making Authority					Notice		Fee
	DRC	ST	HE	PC	CC	N	Mail	

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Variances								
Variance for Single and Two-Family Dwellings	R	R		PH	DM	N	200	\$310*
Variance for Other Uses	R	R		PH	DM	N	200	\$610*
Administrative Variance		R	R		PH DM	N	200	\$220*
Appeal to Planning Commission of Administrative Variance Denial		R		PH	DM	N	200	\$170
Master Sign Plans								
Master Sign Plans		R		PH	DM	N	500	\$660
Revisions to Master Sign Plans		R		PH	DM	N	500	\$420
Time Extension on Expiration		DM						\$170

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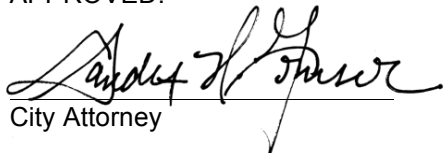
Passed and adopted this 17<sup>th</sup> day of November, 2014.

  
Mayor

ATTEST:

  
Secretary to the Council

APPROVED:

  
City Attorney